

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LAUREN A. HELBLING,)	CASE NO. 1:08CV576
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
STANLEY L. JOSSELSON, ET AL.,)	ORDER
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendants' unopposed Motion for Joinder of Ali Al-Masri (ECF#11). Pursuant to Fed. R. Civ. P. 19, Courts must order the joining of parties if, a person, subject to service of process and whose joinder will not deprive the court of subject matter jurisdiction, has an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

- (i)** as a practical matter impair or impede the person's ability to protect the interest; or
- (ii)** leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

(2) Joinder by Court Order. If a person has not been joined as required, the court must order that the person be made a party. A person who refuses to join as a plaintiff may be made either a defendant or, in a proper case, an involuntary plaintiff.

In this case, there is a legal dispute over who may assert the malpractice claim that is the subject of the action. Pursuant to the trustee's discussion with Al-Masri, it appears Al-Masri is considering asserting, in a separate action, the same legal malpractice claim against Defendant as has been asserted in this action by the trustee. As a result, the Court finds that Defendant may be subject to a substantial risk of incurring multiple or inconsistent obligations. Therefore, the Court finds that joinder is necessary and orders Plaintiff to join Ali Al-Masri as a party. Because it is unknown whether Al-Masri is subject to service of process in this Court's jurisdiction, Plaintiff shall name him as a Defendant and shall show cause, within sixty days of the filing of this Order, why service has not been perfected if service is not completed upon Al Masri within that time. The Court will then consider ordering his joinder as an involuntary plaintiff.

IT IS SO ORDERED.

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

October 19, 2009